

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 OIC-02 AF-04 ARA-06 EA-06

NEA-06 RSC-01 L-02 FRB-01 OMB-01 TAR-01 SP-02 SWF-01

AGR-05 AID-05 CIAE-00 COME-00 INR-05 LAB-01 NSAE-00

SIL-01 STR-01 TRSE-00 CIEP-01 CEA-01 OPIC-03 DOTE-00

NSC-05 SS-15 PA-01 PRS-01 USIA-06 /114 W

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P R 201235Z NOV 74

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 9300

INFO USMISSION OECD PARIS

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EO 11652 N/A

TAGS: EWWT UNCTAD

SUBJ: IPG ON INTERNATIONAL MULTIMODAL TRANSPORT, SECOND SESSION

1. SUMMARY: SECOND SESSION IPG ON IMT AT MIDPOINT HAS YET TO MOVE BEYOND OPENING STATEMENTS AND HAS BEEN BOGGED DOWN IN PROCEDURAL QUESTION CONTROVERSY AS A RESULT OF G-77 (GROUP A) UNWILLINGNESS TO MOVE AHEAD ON WORK PROGRAM AS OUTLINED IN PROVISIONAL AGENDA. THIS IMPASSE, WHICH WAS FINALLY RESOLVED NOVEMBER 19, PLUS G-77 OPENING REMARKS HAVE CAUSED MAY GROUP B DELEGATIONS TO QUESTION USEFULNESS OF CONTINUING IMT EFFORT IN UNCTAD FORUM. G-77 OPENING STATEMENT CALLS FOR COMPREHENSIVE AND WIDE-RANGING CONVENTION OF IMT COVERING A HOST OF PUBLIC AND PRIVATE LAW QUESTIONS AND FURTHER STUDIES BY SECRETARIAT. G-77 APPROACH RUNS COUNTER TO GROUP B ADVOCATION OF POSSIBLE CONSIDERATION OF A IMT CONVENTION LIMITED TO PRIVATE LAW QUESTIONS ONLY. INITIAL REMARKS BY GROUP D IMPLY EASTERN EUROPEANS AIMING FOR A LIMITED CONVENTION AKIN TO GROUP B APPROACH AND NO

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LONGER PUSHING FOR IMMEDIATE DRAFTING CONVENTION ARTICLES. END

SUMMARY.

2. LAST SEVEN DAYS HAVE BEEN SPENT ATTEMPTING TO GET G-77 AGREEMENT, PARTICULARLY GROUP A, TO PROCEED WITH DISCUSSION OF POSSIBLE GUIDELINES FOR FORMULATION OF IMT CONVENTION AS OUTLINED IN PROVISIONAL AGENDA. RELUCTANCE ON GROUP A DUE BASICALLY TO FACT THEY FEEL UNPREPARED AND DO NOT WANT TO COMMIT THEMSELVES TO SUBSTANTIVE DISCUSSIONS WITH B AND D, PENDING VARIOUS ECONOMIC AND SOCIAL IMPACT STUDIES REQUESTED OF THE SECRETARIAT. SECRETARIAT IS BLAMED FOR NOT ADDRESSING THESE ASPECTS IN STUDIES PREPARED FOR IPG 2ND SESSION. (MAJOR REASON FOR NOT HAVING DONE SO WAS ABSENCE OF SUITABLE DATA.)

3. BASIC DIFFERENCES WITHIN G-77 ARE ALSO A FACTOR AND LED TO DELAY IN PRESENTATION OF G-77 OPENING REMARKS. LATIN AMERICANS REPORTEDLY ARRIVED WITH TRUNKLOAD OF REGIONALLY-PREPARED DOCUMENTS, INCLUDING DRAFT PROPOSALS, READY TO ENTER INTO SERIOUS DIALOGUE. THIS FACT APPARENTLY CAUSED SUSPICION ON PART GROUP A MEMBERS AND LED TO SEPCULATION LATINS POSSIBLY IN CAHOOTS WITH THE U.S. GROUP A HAS NOT SUPPORTED THE TABLING OF ANY GROUP C PROPOSALS, EVEN IN G-77 SESSIONS. SITUATION APPEARS EVEN MORE BYZANTINE IN THAT THE ASIANS RATIONALIZE THEIR UNPREPAREDNESS AS RESULT OF U.S. UNWILLINGNESS TO AGREE TO DISCUSSIONS OF IMT ISSUES IN ECAFE PRIOR TO IPG SESSION, WHILE AFRICANS PLACE BLAME ON LATENESS IN RECEIVING UNCTAD DOCUMENTS.

4. COMPROMISE ON WORK PROCEDURES WAS REACHED EVENING OF NOVEMBER 19 WHEREIN G-77 AGREED TO PROCEED WITH DISCUSSION OF DOCUMENTATION, CUSTOMS, LIABILITY AND INSURANCE QUESTIONS IN SIMGLE PLENARYSESSION WITH NO SESSIONAL MEETINGS. LATINS ARE EXPECTED TO PARTICIPATE ACTIVELY, BUT GROUP A HAS STIPULATED THEIR VIEWS ARE NOT THOSE OF THE G-77.

5. OPENING REMARKS OF B COORDINATOR ON BEHALF OF OECD
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COUNTRIES MADE NOVEMBER 14 STRESSED NEED FOR COMPLETE EXAMINATION OF ALLISSUES, AGREEMENT ON GUIDELINES PRIOR TO ANY DRAFTING AND THE DESIRABILITY OF LIMITING ANY IMT CONVENTION THAT MAY VE CONSIDERED TO TRADITIONAL ISSUES: RULES ON DOCUMENTATION; RESPONSIBILITY OF THE PERSON TAKING CHARGE OF GOODS FOR THEIR LOSS OR DAMAGE; RULES ON BRINGING ACTIONS FOR RECOVERY; JURISDICTION AND ARBITRATION. LOW-KEY GROUP D STATEMENT MADE SAME DAY

SHOWS EASTERN BLOC PREFERRING LIMITED CONVENTION ALONG
LINES B POSITION. OF NOTE, D COUNTRIES, WHICH ADVOCATED
DRAFTING ARTICLES FIRST SESSION, NOW URGING ONLY THAT DRAFTING
BEGIN FOLLOWING GENERAL AGREEMENT ON

6. GROUP OF 77 CHAIRMAN TAVARES PIRES (BRAZIL,
FOLLOWING A WEEK'S CONSULTATION BETWEEN A & C GROUPS,
MADE OPENING STATEMENT NOV 18 SETTING FORTH DEVELOPING
COUNTRIES' VIEWS ON IMT EFFORT. BASICALLY, REMARKS
WERE A RESTATEMENT OF LDCS' TRANSPORT ASPIRATIONS AS
WELL AS FEARS AND CALL FOR GOVERNMENT CONTROL OVER
IMT AND ADEQUATE PARTICIPATION BY THEM IN THIS
TRANSPORT. SUBSTANTIAL INCREASES IN FINANCIAL AND TECHNICAL
ASSISTANCE, MADE UNDER FAVORABLE CONDITIONS, ARE URGED
TO ACCOMPLISH THE LATTER.

7. G-77 ENVISAGES IMT CONVENTION WITHIN GRAMEWORK
OF ACTION PROGRAM/NEW INTERNATIONAL ECONOMIC ORDER
(I.E. ONE THAT WILL PROMOTE THE ECONOMIC AND SOCIAL
DEVELOPMENT OF EHT LDCS) AND CONSIDERS IT IMPERATIVE ANY
IMT CONVENTION BE COMPATIBLE WITH UN CONVENTION ON A
CODE OF CONDUCT FOR LINER CONFERENCES. PRINCIPAL
CONDITIONS TO BE MET FOR A CONVENTION TO BE ACCEPTABLE
TO THE DEVELOPING COUNTRIES ARE: A) THAT IMT OPERATIONS
BE CARRIED OUT IN ACCORDANCE WITN NATIONAL LEGISLATION
AND INTERNATIONAL AGREEMENTS REGARDING CARGO RESERVATION,
CARGO SHARING, LAND TRANSIT PERMIT AGREEMENTS, COASTAL
SHIPPING REGULATIONS, INSURANCE, CONTAINER MOVEMEMENT,
EXCHANGE AND CUSTOMS RULES, ETC.; B) THE DETAILED
REGULATION OF MULTIMODAL TRANSPORT OPERATORS (MTOS);
C) ESTABLISHMENT OF SINGLE IMT DOCUMENT, THE ISSUANCE
OF WHICH WOULD BE MANDATORY FOR THE MTO UPON REQUEST
BY THE USER. OTHER AREAS G-77 FELT SHOULD BE EXAMINED
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BY THE IPG INCLUDE ARBITRATION, CONFLICTS OF LAW,
TERRITORIAL LINK AND JURISDICTION.

8. WITH RESPECT TO LIABILITY, G-77 ADVOCATES A REDUC-
TION IN NUMBER OF DEFENSES AVAILABLE TO MTOS AND MARINE
CARGO INSURANCE PROVISIONS WHEREBY INSURANCE ON IMT
SHIPMENTS TO DEVELOPING COUNTRIES SHOULD BE CONTRACTED IN COUNTRY
OF DESTINATION
AND THAT ON LDCS' EXPORTS PLACED IN ACCORDANCE WITH
LEGISLATION AND PRACTICES OF THE COUNTRY OF ORIGIN.

9. G-77 ALSO REQUESTED FURTHER STUDIES (TO BE CARRIED
OUT BY UNCTAD SECRETARIAT IN COOPERATION WITH REGIONAL
ECONOMIC COMMISSIONS) TO ENSURE EFFECTIVE LDC PARTICIPATION
IN THE PREPARATION OF A IMT CONVENTION. THESE INCLUDE

THE FOLLOWING: A) IMPLICATION FOR LABOR IN DEVELOPING COUNTRIES; B) IMPLICATION ON INTERNAL TRANSPORT INFRASTRUCTURES AND PROSPECTS FOR THE ESTABLISHMENT AND EXPANSION OF IMT OPERATIONS IN DEVELOPING COUNTRIES; C) TECHNICAL FEASIBILITY AND FINANCIAL BIABILITY OF THE NECESSARY INVESTMENTS TO ADAPT INFRASTRUCTURE TO INTRODUCE AND EXPAND IMT OPERATIONS; D) IMPLICATIONS OF IMT OPERATIONS FOR VARIOUS DEVELOPING REGIONS OF THE WORLD; E) STUDY ON CONSULTATION PROCEDURES BETWEEN SHIPPERS AND MTOS; AND F) CONVENTION SAFEGUARDS TO PRECLUDE POWERFUL CONSORCIA OF CONTAINER OPERATORS FROM BECOMING MTOS AND REPLACING THE CONFERENCE SYSTEM.

10. G-77 HAS REQUESTED A GROUP B RESPONSE TO ITS PROPOSAL WHICH WILL BE MADE FOLLOWING DISCUSSION OF PRIVATE LAW ISSUES IN PLENARY. WITH SIX WORKING DAYS REMAINING IT IS UNLIKELY THAT 2ND SESSION WILL ACCOMPLISH MUCH OF ANYTHING. AFRICAN REQUEST FOR IMPACT STUDIES, MOREOVER, RAISES QUESTION WHETHER UNCTAD SCHEDULE ON IMT FOR DIPLOMATIC CONFERENCE WILL BE MAINTAINED. SECRETARIAT PRESENTLY SPECULATING A FOURTH AND POSSIBLY A FIFTH SESSION WILL BE NECESSARY, PUSHING ANY POSSIBLE CONFERENCE INTO 1977. THERE IS ALSO TALK OF USING THE NOVEMBER 1975 COMMITTEE ON SHIPPING MEETING TO COVER SOME OF THE WORK OF THE IPG.

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MOST GROUP B HAVE NOT BEEN RECEPTIVE TO THE LATTER ON GROUNDS SHIPPING COMMITTEE NOT ONLY HAS FULL AGENDA BUT IS NOT APPROPRIATE FORUM FOR IMT WORK.

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INTERNATIONAL MULTIMODAL TRANSPORT, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 NOV 1974
Decapton Date: 01 JAN 1960
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974GENEVA07055
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740335-0954
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741128/aaaaaxoq.tel
Line Count: 205
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 07 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2002 by boyleja>; APPROVED <20 MAR 2003 by CollinP0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: IPG ON INTERNATIONAL MULTIMODAL TRANSPORT, SECOND SESSION
TAGS: EWWT, UNCTAD, INFORMATION POLICY GROUP, IPG
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005